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Attorneys for Plaintiff and the Alleged Classes

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER AND PLUMBING,
INC., individually and on behalf of all others
similarly situated,

Plaintiff,

v.

TOTAL MERCHANT SERVICES, LLC, a
Delaware limited liability company,

Defendant.

Case No. 3:19-cv-05711-EMC

**STIPULATION TO EXTEND THE
DEADLINE TO COMPLETE ADR
PROCESS**

Judge: Hon. Edward M. Chen
Courtroom: 5
Complaint Filed: September 11, 2019

Plaintiff Abante Rooter and Plumbing, Inc. ("Plaintiff" or "Abante") and Defendant Total Merchant Services, LLC ("Defendant" or "TMS"), through their respective counsel, hereby stipulate as follows:

WHEREAS, on September 11, 2019, Plaintiff filed the instant action against Defendant alleging violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* ("TCPA" or "Act"). (Dkt. 1.)

WHEREAS, on January 14, 2020, this Court issued its Initial Scheduling Order, which required the Parties to complete an ADR process by July 30, 2020. (Dkt. 37.)

WHEREAS, on June 26, 2020, following the July 25th case management conference, the Court extended the ADR deadline until August 31, 2020. (Dkt. 50.)

1 WHEREAS, the Parties agreed to attend a full-day mediation session with the Hon.
 2 Edward A. Infante of JAMS on September 22, 2020. (*See* Declaration of Taylor T. Smith (“Smith
 3 Decl.”), a true and accurate copy of which is attached hereto as Exhibit A.)

4 WHEREAS, on August 28, 2020, the Court extended the deadline for the Parties to
 5 complete the ADR process until September 22, 2020 to accommodate the scheduled mediation.
 6 (Dkt. 56.)

7 WHEREAS, on September 22, 2020, counsel for the Parties and representatives of TMS
 8 appeared and participated in the scheduled mediation via Zoom webinar. (Smith Decl. ¶ 9.)
 9 Following a few hours of discussions, the Parties and the mediator agreed to extend the mediation
 10 session until October 13, 2020 to address additional data produced by a third-party that is likely to
 11 assist in the potential resolution of this case. (*Id.* ¶ 10.)

12 WHEREAS, the Parties respectfully request that the Court extend the deadline to complete
 13 the ADR process until October 13, 2020. The additional time will enable the Parties to engage in
 14 productive settlement discussions. (*Id.*)

15 WHEREAS, the proposed extension will not alter any deadlines established by the Court
 16 and is not sought for an improper purpose. (*Id.* ¶ 11.)

17
 18 Respectfully submitted,

19 Dated: September 22, 2020

/s/ Taylor T. Smith

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1 Dated: September 22, 2020

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12
13
14 **SIGNATURE CERTIFICATION**

15 Pursuant to Civil L.R. 5-1(i)(3) of the Electronic Case Filing Administrative Policies
16 and Procedures Manual, I hereby certify that the content of this document is acceptable to
17 counsel for Defendant and that I have obtained authorization to affix his or her electronic
signature to this document.

18 By: /s/ Taylor T. Smith

19 Taylor T. Smith

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via Court's ECF system on September 22, 2020.

/s/ Taylor T. Smith